

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed April 28, 2003. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Specification Amendment**

A minor amendment has been made to the specification through this response to ensure agreement between the specification and the drawings. Although this amendment effects a change to the specification, it is respectfully asserted that no new matter has been added.

### **II. Claim Rejections - 35 U.S.C. § 102(b)**

#### **A. Statement of the Rejection**

Claims 1, 3, 8-11, 13, 15-18, and 20-22 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Twyford ("Twyford," U.S. Pat. No. 3,707,611).

The rejection states that Twyford discloses Applicant's invention as recited in the above-identified claims. Applicant respectfully traverses this rejection.

#### **B. Discussion of the Rejection**

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of *each element* of the claim under consideration." W. L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)(emphasis added). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

As noted above, several claim amendments have been entered, including amendments to independent apparatus claims 8, 13, and 15. In view of these amendments, Applicant respectfully submits that the rejection as to claims 8-11, 13, and 15-17, which remain in the case, is moot. Therefore, Applicant respectfully requests that the rejection as to those claims be withdrawn.

As for method claims 18 and 20-22, Applicant objects to the rejection as being clearly improper. In regard to those claims, the Office Action states the following:

Regarding the claims 18 and 20-22: The method steps are inherently necessitated by the device structure as Twyford shows it.

Office Action, page 2. No other commentary is provided as to the method claims.

Applicant's methods claims are clearly distinct over the apparatus claims 1-17. This fact is readily apparent when the *actual limitations* of claims 18-22 are compared to those of claims 1-17. Therefore, the method claims do not merely recite the steps performed by the apparatus claim elements. Moreover, contrary to that alleged in the Office Actions, Applicant's claimed method steps are **not** inherently necessitated by Twyford's device. This fact is clear from a cursory reading of claims 18 and 20-22.

In view of the above, Applicant respectfully requests for a proper rejection to which to respond, or identification that claims 18 and 20-22 are allowable. A proper rejection includes identification in a single prior art reference of each and every method step recited in claims 18 and 20-22.

### **III. Claim Rejections - 35 U.S.C. § 103(a)**

#### **A. Rejection of Claim 2**

Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Twyford in view of Morgan ("Morgan," U.S. Pat. No. 4,924,279). In that claim 2 has been cancelled through this Response, Applicant respectfully submits that the rejection is moot.

#### **B. Rejection of Claims 4-5**

Claims 4-5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Twyford in view of Canova, et al. ("Canova," U.S. Pat. No. 6,388,877). In that claims 4-5 have been cancelled through this Response, Applicant respectfully submits that the rejection is moot.

#### **C. Rejection of Claims 6-7**

Claims 4-5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Twyford in view of Murphy (U.S. Pat. No. 5,536,170). In that claims 6-7 have been cancelled through this Response, Applicant respectfully submits that the rejection is moot.

#### **D. Rejection of Claims 12 and 19**

##### **1. Statement of the Rejection**

Claims 12 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Twyford in view of Anten (U.S. Pat. No. 5,140,632). Applicant respectfully traverses the rejection.

## **2. Discussion of the Rejection**

As identified above, the rejection of claim 8 under Twyford is moot. In that claim 12 depends from claim 8, Applicant respectfully submits that the rejection of claim 12 is likewise moot.

As is also identified above, Twyford does not teach the method steps recited in claim 18. In that Anten does not remedy the deficiencies of the Twyford reference, Applicant respectfully submits that claim 19, which depends from claim 18, is allowable over the Twyford/Anten combination for at least the same reasons that claim 18 is allowable over Twyford.

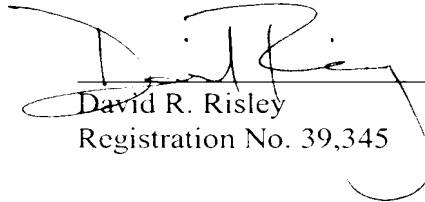
## **IV. Canceled Claims**

Claims 1-7 have been canceled from the application through this response without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.


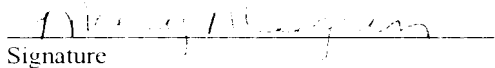
CONCLUSION

Applicant respectfully submits that pending claims 8-22 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

  
  
Signature